REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing amendment, Claims 1-12, 15 and 16 remain pending in the present application. Claims 13 and 14 are canceled without prejudice or disclaimer. Claims 1, 10-12, 15 and 16 are amended to address cosmetic matters of form. No new matter is added.

By way of summary, the Official Action presents the following issues: Claims 13 and 14 stand rejected under 35 U.S.C. § 101 as allegedly reciting non-statutory subject matter; and Claims 1-16 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Applicants appreciatively acknowledge the identification of allowable subject matter as recited in Claims 1-16.

Rejection under 35 U.S.C. § 101

The Official Action has rejected Claims 13 and 14 as reciting non-statutory subject matter under 35 U.S.C. § 101. As pointed out by the Official Action, since Claims 15 and 16 recite substantially identical features to Claims 13 and 14, and, these claims are in an acceptable format with respect to 35 U.S.C. § 101, Applicants have canceled Claims 13 and 14. Accordingly, the rejection of these claims has been rendered moot.

Rejection under 35 U.S.C. § 112, second paragraph

The Official Action has rejected Claims 1-16 under 35 U.S.C. § 112, second paragraph as being indefinite.

With regard to the rejection of Claim 1 outlined at paragraph 3 of the Official Action, Applicants have amended Claim 1 to clarify that a corresponding bit plate is generated for each of the code blocks of the subbands. As such, the "to-be-encoded bit plane" is predicted for each of the code blocks. It is believed that this amendment clarifies the confusion as to the number of to-be-encoded bit planes which are predicted for each of the code blocks. Corresponding changes have also been added to Claims 11, 13 and 15.

With respect to Claim 10, Applicants note that this embodiment is directed to the JPEG-2000 implementation which employs the "EBCOT" entropy coding. This implementation employs multiple encoding passes (three encoding passes in the example, see page 11). As such, Claim 10 has been amended to clarify that the number-of-codes estimating means estimates a number of codes in each encoding pass of a plurality of encoding passes used to generate the corresponding bit plane. Likewise, a to-be-encoded pass is predicted for each of the plurality of encoding passes of each of the code blocks. Corresponding changes have also been made to Claims 12, 14 and 16.

As the aforementioned amendments are believed to clarify the issues outlined in the Official Action with respect o indefiniteness, Applicants respectfully request that the rejection of Claims 1-16 under 35 U.S.C. § 112, second paragraph, be withdrawn.

CONCLUSION

If the Examiner believes any additional formal matters need to be addressed in order to place this application in condition for allowance, the Examiner is respectfully requested to contact the undersigned, by telephone, at the Examiner's convenience for resolving such issues.

Consequently, in view of the foregoing amendment and remarks, it is respectfully

submitted that the present application, including Claims 1-12, 15 and 16, is definite, in

condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

Bradley D. Lytle
Registration No. 40,073
Scott A. McKeown
Registration No. 42,866
Attorney of Record

GJM:SAM\la
I:\ATTY\SAM\PROSECUTION WORK\246026\246026US-AM DUE 8-2-07.DOC